

ALMON W. BABBITT—ADMINISTRATORS OF.

[To accompany Bill H. R. No. 585.]

APRIL 6, 1860.

Mr. ALDRICH, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of Joseph E. Johnson, one of the administrators of the estate of Almon W. Babbitt, deceased, late secretary of Utah, having had the same under consideration, beg leave to make the following report:

From the proofs adduced in the case it appears that Mr. Babbitt was secretary of the Territory of Utah, and whilst acting in that capacity he visited Washington city during the summer of 1856, for the purpose of adjusting his accounts with the Treasury Department, and obtaining certain moneys appropriated by Congress, for the disbursement of which he was the legally authorized agent of the government, said moneys being for the purpose of defraying the legislative expenses of the Territory, and for completing the construction of a penitentiary at Salt Lake City, Utah Territory.

After his accounts had been adjusted a considerable sum of money was advanced to him by the Treasury Department, in drafts amounting to the sum of twenty-six thousand five hundred dollars, (\$26,500,) as shown by the statement of the First Comptroller of the Treasury Department, marked "B." Whilst in Washington, Mr. Babbitt disposed of twelve thousand dollars (\$12,000) of the said drafts to Livingston, Kincaid, & Co., on account of which he took their note, payable at Salt Lake City, for the sum of eight thousand dollars, (\$8,000,) with the additional sum of four hundred and twenty dollars, (\$420,)—being as supposed for premium or exchange—making eight thousand four hundred and twenty dollars, (\$8,420.) That he left Washington during the month of July, 1856, and upon arriving at St. Louis he purchased stationery, carpets, and other articles for the use of the legislative assembly of Utah Territory.

Whilst in Washington he made arrangements with the Hon. J. M. Bernheisel, then delegate to Congress from the said Territory, who had received instructions from the State Department, to transport a large quantity of judicial and executive documents belonging to said Territory that had accumulated at Fort Leavenworth from the organ-

ization of the Territory ; and for this purpose he purchased wagons, stock, and outfit, to convey the same to Salt Lake, with the other property previously purchased on account of the government, and for private use. Whilst this train was *en route* for Utah, and in the vicinity of Fort Kearney, it was attacked by the Cheyenne Indians, and all the persons in charge of said train save one were killed or wounded, most of the stock driven off, and a considerable quantity of the property destroyed, as will be shown by the letters of H. W. Wharton, captain commanding at Fort Kearney, and which are marked "E." A few days later Mr. Babbitt arrived at Fort Kearney, accompanied by two men, on his way to Salt Lake City. At Fort Kearney he made arrangements for the transportation from thence to Salt Lake of the property which had been saved from the train.

It is further shown, by the letters of Captain Wharton, that Mr. Babbitt and his party left Fort Kearney on the 2d of September, 1856, and about one hundred and twenty miles above that place they were attacked by a party of Cheyenne Indians and killed, his property and stock taken off, and his carriage burned. Many of his papers were found scattered upon the plains, among which were five one thousand dollar treasury drafts, which were returned to the department and credited to the account of Mr. Babbitt, and a further amount of four one thousand dollar treasury drafts were picked up on the plains by a Salt Lake emigrant, turned over to the administrators at Salt Lake, and by them to the Treasury department, and credit given to the account of Mr. Babbitt for the same.

The above are the facts in the case, as near as can be ascertained ; and it appears from the statement of the First Comptroller of the Treasury, marked "B," that the estate of Mr. Babbitt is indebted to the government in the sum of twenty-one thousand three hundred and ninety-two dollars and seventy-one cents, (\$21,392 71,) of which amount there is in the hands of the administrators at Salt Lake City, Utah Territory, the sum of eight thousand four hundred and twenty dollars, (\$8,420,) which was collected of Livingston, Kincaid & Co., for their note previously referred to, which, when paid to the government, will leave a balance of twelve thousand nine hundred and seventy-two dollars and seventy-one cents, which appears to have grown out of suspended items in the account of the late Secretary Babbitt, and of property and money lost upon the plains.

Your committee are, therefore, of the opinion that the value of the money and property lost and destroyed by the Cheyenne Indians, at the times and in the manner hereinbefore stated, and belonging to, or in the possession of, the late Almon W. Babbitt, should be ascertained and inquired into by the First Comptroller of the Treasury ; and they, therefore, report the accompanying bill for that purpose.